



SEPTEMBER 2023

## INTERIM REPORT OF THE ADVISORY COMMITTEE ON WELFARE AND DURABLE SOLUTIONS FOR SRI LANKAN TAMILS

On Long Term Solutions, Self-Reliance & Livelihood Development of Sri Lankan Tamils

Submitted to

**THIRU M.K. STALIN**

**Hon'ble Chief Minister of Tamil Nadu**







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Image 1 | A home in Sri Lankan Tamil Rehabilitation Camp

## EXECUTIVE SUMMARY

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For over four decades, Tamil Nadu has witnessed influx of refugees and persons at the risk of statelessness from Sri Lanka. Even though India does not have any legal framework or a national refugee policy, the Government of Tamil Nadu has been working closely with the Union of India to extend welfare measures for this group of vulnerable persons. By doing so, the State of Tamil Nadu has overcome the policy vacuum in the treatment of refugees and stateless persons and created a welfare model which can be replicated by other states in dealing with refugees and persons at the risk of statelessness.

Nevertheless, one of the key policy problems is that the existing law i.e., the Citizenship Act, 1955 categorizes stateless persons and refugees as 'illegal migrants' under Section 2(1)(b) of the Act. Such a categorization adds an extra layer of difficulty in providing policy solutions. Therefore, in an effort to address this and to determine durable solutions including local integration in India and voluntary repatriation to Sri Lanka, the Government of Tamil Nadu constituted the 'Advisory Committee on Welfare and Durable Solutions for Sri Lankan Tamils.' in October 2021. This Committee functions as two Sub-Committees focusing on different issues such as 'Long term solutions, Self-Reliance and Livelihood Development' and 'Welfare and Infrastructure Facilities of the Rehabilitation Camps'. This Interim Report is on Long term Solutions, Self – Reliance and Livelihood Development

focusing on durable solutions towards citizenship and recommendations towards improving rehabilitation camps.

The Advisory Committee, on analysis of the historical and legal frameworks concerning this issue, has found that the question of citizenship should be strategically approached in two ways with respect to the distinctive cohorts of Indian Origin Tamils and Sri Lankan Tamils; as the former stands on a different pedestal stemming from the strength of the bilateral agreements between India and Sri Lanka as well as different legal status i.e., persons at the risk of statelessness despite their link with India through descent. The issue of citizenship for the latter i.e., refugees may be, at present, addressed within the existing pathways available under the Citizenship Act, 1955 and on the strength of various judicial decisions relevant to the situation of Sri Lankan Tamils.

Furthermore, to address the deficiency in the existing data sets around the refugee population, a demographic assessment has been recently undertaken under the aegis of the Commissionerate of Rehabilitation and Welfare of Non – Resident Tamils. Utilizing the information from this exercise, the Government of Tamil Nadu can undertake a number of steps to advance the cause of citizenship, in consultation with the Government of India.

Since Sri Lankan Tamils always have the option to voluntarily repatriate to Sri Lanka, the Advisory Committee is of the opinion that exploring ways to design rehabilitation packages for voluntary repatriation is also essential for the process. Similarly, a financial assistance package aimed at the population seeking Indian citizenship to aid with

local integration is also recommended.

The Advisory Committee also understands that the path to citizenship for the whole population is an exercise which must include measures to regularize / legalize their stay in India. Such measures would enable them to fully live their lives in a dignified manner. To this extent, the Advisory Committee recommends for the extension of existing options available under the Passports Act, 1967, Passport Rules, 1980, the Passport (Entry Into India) Act, 1920, and the Passport (Entry into India) Rules, 1950. The Advisory Committee has also compiled a list of recommendations around skill development, sports, mental health and access to information aimed at comprehensively improving the standard of living across all rehabilitation camps in Tamil Nadu.

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**‘யாதும் ஊரே! யாவரும் கேளிர்!’ என்பதே தமிழர் வாழ்வியல் மரபு.**

*“As the rights of refugees around the world are to be protected, our government is taking concrete steps to improve the lives of Sri Lankan Tamils who have sought refuge in Tamil Nadu”*

**Thiru M.K. Stalin**

**Hon’ble Chief Minister of Tamil Nadu, on 20 June 2022 (World Refugee Day)**

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## 1

## BACKGROUND

### 1.1

Sri Lankan Tamils currently reside in camps and outside camps in the State of Tamil Nadu, India. For decades, the Government of Tamil Nadu has provided protection, assistance and support to this population. According to the statistical report of the Commissionerate of Rehabilitation and Welfare of Non – Resident Tamils (hereinafter, “Commissionerate of Rehabilitation”), it was found that 58,357 Sri Lankan Tamils including Indian Origin Tamils are part of 19,300 families living across 104 regular rehabilitation camp and one special camp run by the Government of Tamil Nadu. It is estimated that an additional 33,479 Sri Lankan Tamils of 13,400 families have opted to reside outside the camps and are registered with the jurisdictional police stations.

### 1.2

Currently, though some Sri Lankan Tamils want to repatriate to Sri Lanka, conditions enabling sustainable reintegration and the present economic situation has resulted in low number of returnees. Sri Lankan Tamils have been in a post – war protracted situation for decades now, making it imperative to find durable solutions for both local integration in India and voluntary repatriation to Sri Lanka to enable them to lead a dignified and fruitful life.



# 2

## INTRODUCTION TO THE ADVISORY COMMITTEE

### 2.1

The Tamil Nadu Government has made ground breaking efforts with respect to the issues and concerns of Sri Lankan Tamils by implementing a slew of initiatives, salient among them was the formation of the Advisory Committee. Pursuant to the statement made by the Hon'ble Chief Minister under Rule 110 of the Tamil Nadu Legislative Assembly Rules, 2021 on 27.08.2021, the Government of Tamil Nadu on 25.10.2021 notified G.O. (Ms) No. 902 for the constitution of the **Advisory Committee on Welfare and Durable Solutions for Sri Lankan Tamils**<sup>i</sup>. As per G.O. (Ms) No. 902, the objectives of the Advisory Committee are as follows.

**To advise on various aspects including legal provisions for durable solutions such as citizenship and voluntary repatriation.**

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**To improve the infrastructure / amenities in the camps, especially shelter, water and sanitation facilities.**

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**To improve the standard of living by extending individual assistance on educations, social security benefits, grievance redressal, employment including skill development programs.**

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The list of members and their designations in the Advisory Committee are as follows.

MEMBERS	DESIGNATION
<b>PRINCIPAL (STEERING) COMMITTEE</b>	
1. Thiru Gingee K. Masthan, Hon'ble Minister of Minority Welfare and Non-resident Tamils Welfare	Chairperson
2. Dr. Kalanithi Veerasamy, Hon'ble Member of Parliament	Vice- Chairperson
3. Tmt A. Tamilarasi, Hon'ble Member of Legislative Assembly	Member
4. Secretary (Public and Rehabilitation)	Member
5. Commissioner of Rehabilitation & Welfare for Non Resident Tamils	Member Secretary
<b>OFFICIAL MEMBERS</b>	
6. Additional Secretary, Public Rehabilitation Department	Member
7. Deputy Secretary (DS) (Finance)	Member
8. Joint Secretary (JS) – Home	Member
9. Joint Secretary (JS) – Law	Member
10. Director of Rural Development	Member
11. Joint Commissioner, Municipal Administration	Member
12. Joint Commissioner, Revenue Administration	Member

<b>MEMBERS</b>		<b>DESIGNATION</b>
<b>ADVISORY MEMBERS</b>		
14.	Head of Field office, United Nations High Commission for Refugees (UNHCR)	Member
15.	Thiru Govi Lenin, Senior Journalist	Member
16.	Dr. K.M. Parivelan, Academician	Member
17.	Thiru E.R. Ilamparithi, Academician	Member
18.	Thiru Manuraj Shunmugasundaram, Legal Expert	Member
19.	03 Non-Government Organizations: Organization for Eelam Refugees' Rehabilitation (OfERR) Adventist Development and Relief Agency (ADRA) Jesuit Refugee Services (JRS)	Members
<b>NON-OFFICIAL MEMBERS</b>		
20.	Thiru Anand Raj, Thappathi Camp, Thoothukudi District- Representative of Camp refugees	Member
21.	Tmt Damayanthi, Madipakkam, Chennai Representative of non- camp refugees	Member

## 2.2

At the first meeting of the Advisory Committee, a resolution was passed to form Sub-Committees in order to effectively focus on the different issues of the Sri Lankan Tamils such as long-

term solutions and self-reliance as well as welfare and infrastructure facilities of the rehabilitation camps<sup>ii</sup>.

## 2.3

The Advisory Committee took note of the legal and statutory impediments faced by Sri Lankan Tamils including Indian Origin Tamils who are living as refugees and are at the risk of statelessness within the rehabilitation camps and outside the camps. The underlying legal framework involving such persons is dealt with almost exclusively by the Union Government but the camps are administratively managed by the State Government which has shown a strong commitment to their welfare for four decades. It is to be noted that India is not a signatory to the International Conventions on statelessness and refugees, so the issues concerning citizenship are dealt in compliance with the existing legal framework on citizenship<sup>iii</sup>

,passports<sup>iv</sup> and foreigners<sup>v</sup>. The Citizenship Act, 1955, along with the Amendment Act 2019, categorises the Sri Lankan Tamils including Indian Origin Tamils as “*illegal migrants*”. This has been the major barrier for them in acquiring citizenship and consequently, limiting their ability to pursue their lives and livelihoods to the fullest. Recognizing the existence of this debilitating legal situation and difficult socio-economic circumstances, the Advisory Committee was tasked to find durable solutions to access legal pathways to citizenship; to streamline voluntary repatriation and also make recommendations towards improving the livelihoods of people in the rehabilitation camps.

## 2.4

The Advisory committee meeting chaired by Hon’ble Minister Gingee.K Masthan had met several times and based on the advice of the Hon’ble Minister, the Sub Committee had convened on five occasions i.e., on 11.07.2022, 07.10.2022, 11.11.2022, 15.05.2023 and 18.07.2023 under the chairmanship of Dr. Kalanithi Veerasamy. This Interim Report seeks to summarize the findings of

the Advisory Committee to provide inputs to the Government of Tamil Nadu with regards to advancing the self-reliance of Sri Lankan Tamils and, finally, to make recommendations around durable solutions for Sri Lankan Tamils including Indian Origin Tamils living in the rehabilitation camps.



Image 3 | Rehabilitation Camp, Kurukkupatti, Tamil Nadu.

# 3

## IDENTIFIED CHALLENGES FOR DURABLE SOLUTIONS AND SELF-RELIANCE

### A. Legal challenges

#### 3.1

It is observed that in the absence of a domestic legal framework for refugees and stateless persons in India, they are often treated and considered as foreigners under the law governing entry and stay of foreigners in the country. The Indian Citizenship Act, 1955 under Section 2(1) (b) classifies the following persons as, *'illegal migrants'*:

**A foreigner who has entered India without valid passport or other travel documents as required by the law; or**

**A foreigner who has entered India with a valid passport or other travel documents required by the law but has remained in India beyond the permitted period.**

### B. Challenges of Indian Origin Tamils

#### 3.2

Indian Origin Tamils - are by nationality Indians - who were historically displaced to Sri Lanka. So far as Indian Origin Tamils are concerned, they can claim legitimization of their stay and right for citizenship under the bilateral agreements entered between the Governments of India and Sri Lanka namely - Agreement of Persons of Indian Origin in Ceylon, October 30, 1964; Exchange of Letters concerning persons of Indian Origin in Sri Lanka, January 27, 1974; and the Indo Lanka Accord, July 29, 1987<sup>vi</sup>. It is noted

that 4,61,631 persons of Indian Origin Tamils out of the 6,00,000 persons and their natural increase as agreed under the bilateral agreements have already been granted Indian Citizenship under Section 5 of the Citizenship Act, 1955<sup>vii</sup>. Though majority of the population returned and were granted Indian Citizenship, this process was halted after July 1983 when large scale exodus of Sri Lankan Tamils took place from Sri Lanka to India as a result of the Civil War.

Copy of letter no.26013/41/86 IC, dated 23<sup>rd</sup> September, 1986 received from the Government of India, Ministry of Home Affairs, New Delhi addressed to the Chief Secretaries of State Governments. (Copy communicated in Government U.O.Note No.8596/RH.I(1)/86-1, Public (Refugee Rehabilitation) Department, dated 08-10-1986).

\*\*\*

Sub: National Status of Sri Lanka Nationals; who came to India as refugees.

I am directed to say that in the recent past many Sri Lanka nationals came to India as refugees due to ethnic disturbances in Sri Lanka. The Government of India have received enquiries regarding policy of the Government about the national status of these Sri Lanka nationals who came to India as refugees. After careful consideration, the Government of India have come to the conclusion that no Sri Lanka refugees who came to India in July 1983 or after should be naturalized/registered under the provisions of the Citizenship Act, 1955, and Citizenship Rules 1956.

It is requested that suitable instructions may please be issued to the concerned authorities not to entertain the applications of Sri Lanka refugees for the grant of Indian Citizenship.

(Sd.) K.Subramaniam  
Deputy Secretary to Govt. of India

{( True copy )}

for Special Commissioner and  
Commissioner of Rehabilitation

{Copy taken from page 439 of SF- 1990-1994 (2)}

### 3.3

During the discussions held by the Advisory Committee, it came to our knowledge that Indian Origin Tamils have been unable to acquire citizenship because of Letter No. 26013/41/86 IC,

dated 23rd September, 1986 issued by the Ministry of Home Affairs, Government of India<sup>viii</sup>. The relevant excerpt from the Letter is produced below, for convenience.

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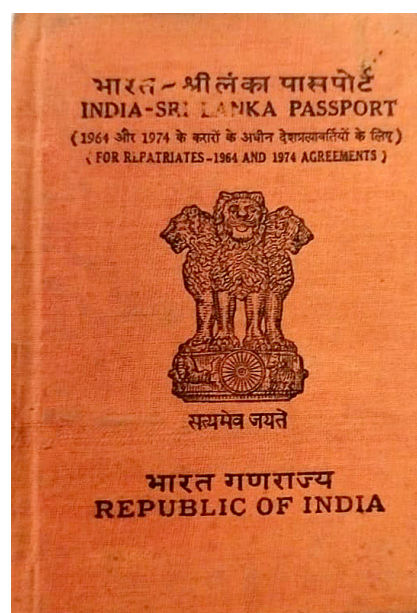
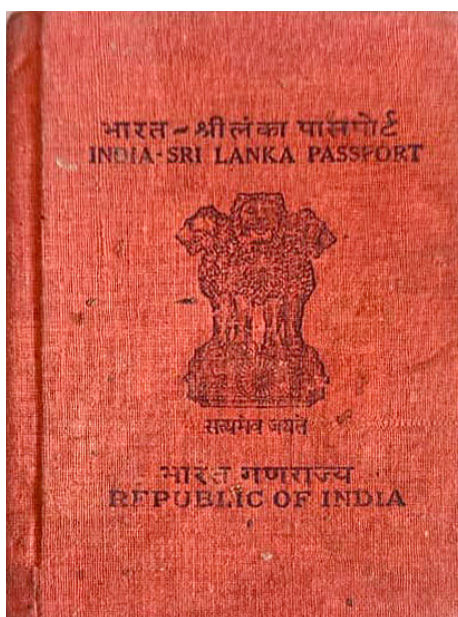
*“... no Sri Lanka refugees who came to India in July 1983 or after should be naturalized/registered under the provisions of the Citizenship Act, 1955 and Citizenship Rules 1956...It is requested that suitable instructions may please be issued to the concerned authorities not to entertain the applications of Sri Lanka refugees for the grant of Indian Citizenship”.*

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### 3.4

This letter issued in 1986 by the Ministry of Home Affairs stops Sri Lankan Tamils including Indian Origin Tamils from applying for citizenship. The letter, fails to make the distinction between Indian Origin Tamils and Sri Lankan Tamils and consequently, the citizenship applications

of Indian Origin Tamils have been rejected by the officials processing these applications. This not only impedes their full access to basic rights and services but also impacts local integration and access to solutions.



Document 2, 3 | India - Sri Lanka Passports issued by the Indian High Commission in Sri Lanka

Sch. III]

*The Passports Rules, 1980*

**FORM EA(P)-12**

**APPLICATION FOR INDIA/SRI LANKA PASSPORT**

(For repatriates—1964 and 1974 agreement)

(Three unmounted passport size bust photographs, taken full face, of the applicant should be enclosed with application. The photographs should have, on the reverse, a certificate "true photo of....." signed by the Estate Superintendent in the case of applicants from estates, and by D.R.O., Gram Sevaka or M.P. for the area in the case of others.)

**CAUTION.**—Applicants are warned that if any of the information supplied by them below is found to be false or inaccurate, not only will their applications be liable to be rejected or their passports, if already granted be liable to be cancelled but they will be themselves liable to prosecution.

1. (i) Full name, with alias, if any (in block letters)  
 (ii) Have you ever changed your name? If so, what was your previous name?
2. Are you married or single?
3. If married woman/widow, state maiden name
4. Place (Village, town, district, etc.) and date of birth (attach documents in support if possible).
5. Profession
6. Educational qualifications
7. Present occupation
8. (i) Personal particulars of applicant:—  
 (a) Height in cm.  
 (b) Colour of eyes  
 (c) Colour of hair  
 (d) Visible distinguishing marks, if any  
 (ii) Of children below 15 years if to be included in the passport

Full Name	Sex	Date of birth
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....

*The Passports Rules, 1980*

[Sch. III

9. Father's name and place and date of birth.
10. If married woman or widow, husband's or late husband's nationality, name and place of birth.
11. How long have you been continuously residing in Sri Lanka?
12. Have you at any time resided in any other country including Pakistan? State countries and period.
13. What was your occupation while residing in the countries mentioned in column 12?
14. Have you ever applied for a travel document and been refused? If so, when and under what circumstances?
15. Have you ever been issued with a passport which was later impounded or cancelled? If so give particulars.
16. Present address in Sri Lanka.
17. Names and addresses of two responsible persons in India who would be prepared to vouch for you—
  - (1)
  - (2)
18. Whether applicant prefers an India-Sri Lanka passport or an Emergency Certificate?

Two specimen signatures or thumb impressions of applicant

Two specimen signatures or thumb impressions of wife if to be included in passport

I solemnly declare that I am an Indian citizen and that I have not lost, surrendered or been deprived of my Indian citizenship and that the information given by me in reply to the questionnaire is true.

Place.....

Date.....

.....  
Signature or thumb impression of applicant

I, the undersigned.....residing at.....holder of India-Sri Lanka passport/Emergency Certificate No..... dated..... hereby apply for the grant of passport to.....whose parent/legal guardian I am. I undertake to be entirely responsible for all his/her expenses

.....  
Signature/Thumb impression of Parent/Guardian

This certificate is required only when the application is made on behalf of a person below 18 years of age.

## C. Need for additional support in voluntary repatriation

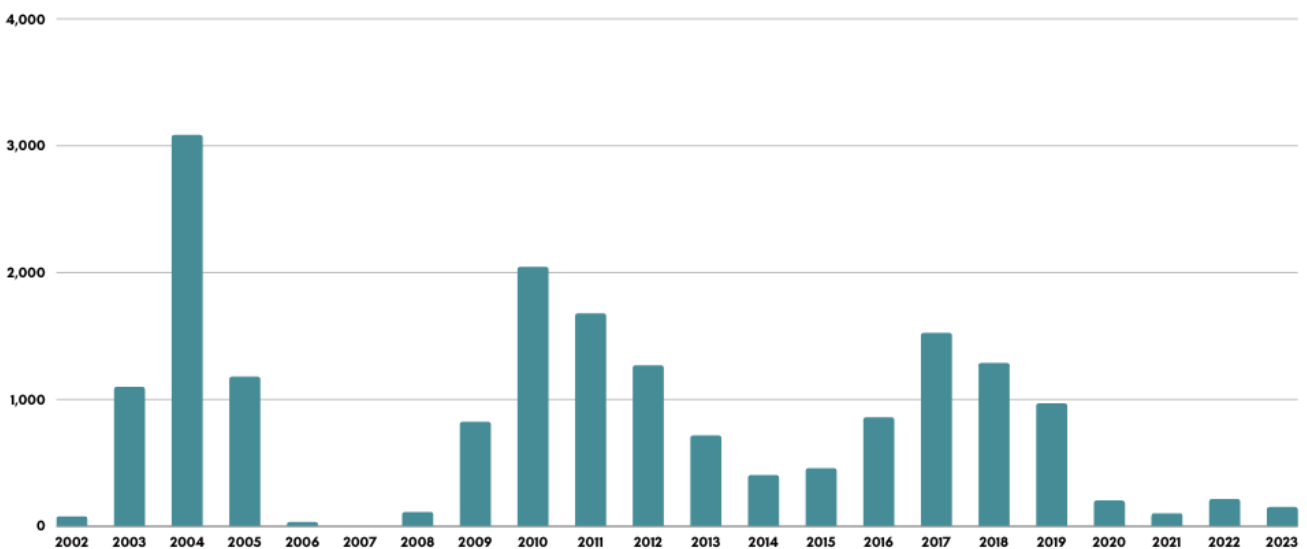
### 3.5

Currently, the Sri Lankan Tamils who are willing to repatriate to Sri Lanka on their own accord are issued Exit Permits by the concerned District Collectors. Starting in 2002, UNHCR facilitates the return by air from India for those willing to return voluntarily as per established procedures and assists with the co-ordination between the State Government and the Foreigners Registration Office. UNHCR, India currently conducts repatriation verification interviews and provides air tickets from Chennai, Trichy, and Madurai Airports. Additionally, a return grant of INR 11,250 per individual and a certificate for legal support is provided. The individuals returning with the support of UNHCR are provided with a reintegration grant of LKR 1,00,000 per person upon

arrival in Sri Lanka by UNHCR, Sri Lanka. It is observed that while some refugees do opt to return home to Sri Lanka, conditions enabling sustainable reintegration are lacking, resulting in a very low rate of return.

In ensuring dignified, safe return and reintegration, Sri Lankan Tamils encounter challenges such as access to credible information about their place of return, lack of guarantees for their livelihood, housing, land and property rights and delay in acquiring civil documentations.

This trend necessitates rendering additional support for their integration in Sri Lanka. The chart below details the year wise trends on return.



Graph 1. Year-wise voluntary repatriation of Sri Lankan Tamils till June 2023.

## D. Restriction in acquiring properties and owning vehicles

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### 3.6

Another legal and administrative barrier that impedes the economic mobility of Sri Lankan Tamils is asset creation especially with respect to immovable property and vehicles. It is to be noted that the Reserve Bank of India (RBI) vide RBI Notification No. FEMA 21/2000, RB dated 03.05.2000 introduced the Foreign Exchange Management (Acquisition and

Transfer of Immovable Property in India) Regulations, 2000<sup>ix</sup> wherein Regulation 7 bars any Sri Lankan National to acquire or transfer immovable property in India other than lease, not exceeding five years. The specific provision therein is reproduced below:

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**“no person being a citizen of Pakistan, Bangladesh, Sri Lanka, Afghanistan, China, Iran, Nepal or Bhutan, without prior permission of the Reserve Bank of India, shall acquire or transfer immovable property in India, other than lease, not exceeding five years.”**

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### 3.7

It is to be noted that this provision prohibiting acquisition of immovable property is based on nationality and not on the status of *‘illegal migrant’*. Consequently, Sri Lankan Tamils stand affected by this legal bar and are unable to own land / immovable property. It is understood that at present, there exists no rationale behind the exclusion of these Sri Lankan Tamils and hence, this requires re-examination.

### 3.8

The Sri Lankan Tamils living in Camps are also unable to own vehicles or acquire licenses for heavy motor vehicles due to undocumented administrative instructions owing to their present status as *‘illegal migrants’*. The Advisory Committee takes note that Sri Lankan Tamils living in the camps are unable to register and own light motor vehicles in their names as the current rules for registration of vehicles does not accept the Government issued Identity Card to Sri Lankan Tamils. This restriction, in turn, has the potential to impact their livelihood.

## E. Situations restricting livelihood improvements of Sri Lankan Tamils

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### 3.9

The Advisory Committee has been informed that the Commissionerate of Rehabilitation had commissioned the UNHCR, Chennai Field Office to undertake a skill assessment amongst the people residing in the rehabilitation camps in Tamil Nadu.<sup>x</sup> The full report of this skill assessment is part of the Reference Book to this Interim Report which can be perused at convenience.

The key findings, however, are as follows:

**41% of the respondents have discontinued their education**

**25% of the respondents have completed school education**

**22% of the respondents have completed graduation / post – graduation in engineering or paramedical courses or science / art steams.**

### 3.10

It is further noted that 152 respondents hold engineering degrees but 62% of them remain unemployed due to reasons such as challenges in accessing formal job market, gaps in employability skills and lack of legal status especially with respect to professional courses such as Medicine and Law which requires them to be registered in national statutory bodies and IT sector which requires passport for onsite travels.

## F. Lack of Opportunities for Improving Sports Talents

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### 3.11

Sri Lankan Tamils still reside in standalone camps, where the lack of adequate sporting infrastructure has affected the lives of children and young adults. Therefore, a new set of initiatives targeting younger population in the camps is deemed necessary.

## G. Mental health concerns

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### 3.12

An analysis undertaken on the behest of the Commissionerate of Rehabilitation conducted in association with UNHCR, OfFER & MSSW produced a report titled, "Report on Vulnerability of Sri Lankan women & adolescent girls in Rehabilitation Camps of Tamil Nadu (2022)<sup>xi</sup>.

The said study provided the following insights:

**It was found that 47% of the women seem to have mental health concerns such as sleeplessness, aloofness and feeling depressed. Reasons cited by the women include debt, being worried about future as a refugee, physical threats, alcoholism and substance abuse of a family member and other marital issues.**

**Amongst this percentage of women, it was found that 2% of the women displayed suicidal ideations very regularly, 7% quite often and 19% rarely.**

## H. Misinformation

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### 3.13

One of the major issues faced by Sri Lankan Tamils is misinformation and lack of sensitization on legal developments in the country. As a result of which, they are prone to succumb to misinformation from persons with vested interests.

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**Image 4 | A Sri Lankan Tamil Woman preparing rice distributed at the Fair Price Shops in Tamil Nadu.**

## SUMMARY OF THE CHALLENGES

Various issues and legal setbacks encountered by Sri Lankan Tamils are outlined below for both convenience and ease of reference.

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- Sri Lankan Tamils including those of Indian Origin have been stuck in a legal impasse over the last four decades over acquiring Indian Citizenship and not having an effective opportunity to become self – reliant.
- As a result of their entry into India during a time of distress and persecution as well as the nature of entry, they are unable to regularize their stay in India which has thus perpetuated this illegal status onto the coming generations as well.
- This has resulted in restricted movements and lower standards of living; with limited prospects for economic improvement of their lives, forcing them to rely on informal sectors.
- Without any substantial legal pathways to acquire Indian Citizenship, Sri Lankan Tamils, especially those living in rehabilitation camps across Tamil Nadu remain secluded from the local population.
- Young adults from the rehabilitation camps are also unable to realize their professional careers after studying professional courses in the fields of medicine, law etc., due to their legal status. They are further unable to seek opportunities in other countries for both education and employment as a result of this legal impediment as well. This has also deterred the access to necessary opportunities for skill development and training for young adults.
- As a result of not being recognized under the laws in force in India, they are unable to create any asset and thus are not able to lead a full social and economic life.
- A life of social exclusion, legal and economic uncertainty has resulted in mental health concerns amongst the camp population.

# 4

## WELFARE MEASURES EXTENDED TO SRI LANKAN TAMILS LIVING IN REHABILITATION CAMPS

The Hon'ble Chief Minister, on 28.08.2021 announced the change in nomenclature thereafter, referring the "Sri Lankan Refugee camps" as "Sri Lankan Tamils Rehabilitation Camps".

The Sri Lankan Tamils living in Rehabilitation Camps are being provided with various relief measures like accommodation, drinking water, electricity etc., at free of cost as per the guidelines, norms stipulated by the Union Government and the State Government of Tamil Nadu.

The Government of Tamil Nadu, through the Commissionerate of Rehabilitation, currently implements the following welfare schemes:

### A. Construction of Houses and Upgrading Basic Amenities.

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- Based on the announcement made by the Hon'ble Chief Minister under Rule 110, on the floor of the Legislative Assembly on 27.08.2021, 3,510 out of 7,469 new houses are being constructed for Sri Lankan Tamils living in Rehabilitation Camps as part of Phase 1 at a cost of INR 187.24 Crores.
- Further, around 3,959 houses are being constructed in Phase 2 at a cost of INR 225 Crores.

### B. General welfare schemes

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- 12 Kg free rice for all individuals above the age of 8 years and 6 Kg free rice for children below the age of 8 years is provided. All other items issued at Fair price shops in Tamil Nadu are also issued to camp residents.
- Free clothing and blankets supplied once in 2 years (Women – 2 sarees, 2 blouses, and 1 under skirt; Children (female) – 1 skirt, 1 blouse, and 1 gown), and 2 towels per family.



மாண்புமிகு தமிழ்நாடு முதலமைச்சர் திரு. மு.க. ஸ்டாலின் அவர்கள் இன்று (17.9.2023) பொது மற்றும் மறுவாழ்வுத்துறை சார்பில் வேலூர் மாவட்டம், மேல்மொணலூர், இலங்கை தமிழர்கள் மறுவாழ்வு முகாமிற்கு நேரடியாக சென்று வீடுகளை திறந்து வைத்தார். இந்நிகழ்வின் போது மாண்புமிகு நிர்வாகத்துறை அமைச்சர் திரு. துரைமுருகன், மாண்புமிகு ஊரக வளர்ச்சித் துறை அமைச்சர் திரு. இ. பெரியசாமி, மாண்புமிகு கூட்டுறவுத் துறை அமைச்சர் திரு. கே.ஆர். பெரியசுருப்பன், மாண்புமிகு கைத்தறி மற்றும் துணிநூல் துறை அமைச்சர் திரு. ஆர்.காந்தி, மாண்புமிகு சிறுபான்மையினர் நலன் மற்றும் வெளிநாடுவாழ்வு தமிழர் நலத்துறை அமைச்சர் திரு.செஞ்சி கே.எஸ்.யஸ்தான், மாண்புமிகு பள்ளிக் கல்வித் துறை அமைச்சர் திரு. அன்பில் மகேஸ் பொய்யாமொழி, நாடாளுமன்ற உறுப்பினர்கள் திரு.எஸ்.ஜெகதீசகன், திரு.கு.மு.கதிர் ஆனந்த், திரு. கலாநிதி வீராசாமி, சட்டமன்ற உறுப்பினர்கள் திரு.ஏ.பி.நந்தகுமார், திரு.பா.கார்த்திகேயன், திருமதி அமலு விஜயன், திருமதி ஆ. தமிழாசி, வேலூர் மாநகராட்சி மேயர் திருமதி கஜாதா ஆனந்தகுமார், துணை மேயர் திரு. கனில்குமார், பொது மற்றும் மறுவாழ்வுத்துறை செயலாளர் திரு.க.நந்தகுமார், இ.ஆ.ப., அபலகத் தமிழர் நலன் மற்றும் மறுவாழ்வு துறை ஆணையர் திருமதி ஜெசிந்தா லாலாஸ், இ.ஆ.ப., வேலூர் மாவட்ட ஆட்சித் தலைவர் திரு.பெ.குமாரசுவாமி பண்டியன், இ.ஆ.ப., மற்றும் அரசு உயர் அலுவலர்கள் உடனிருந்தனர்.

Image 5 | Opening Ceremony of New Houses constructed as part of Phase I in Vellore District.

- Free cooking utensils (8 types) once in 2 years including stainless steel vessels worth INR 1285/-
- INR 5000/- for final rites on the death of an individual.
- Free school education up to Class 12 including free noon meals, free bus passes, free books and notebooks, uniforms for students in government and government-aided schools.
- Bus pass for college students.
- General admission through a single window system in engineering, arts, and science colleges and admission through lateral entry system for BE/ BTech, MBA, MCA, ME, and MTech courses are present. Subsidy for first-generation college students pursuing education in technical colleges is also provided.
- Hostels in 5 locations in Tamil Nadu for students from camps with free accommodation and food. Students from camps are permitted to stay anywhere of their choice for their education without de-registration from camps.
- Free education for meritorious top 50 scorers to pursue Engineering/ Technical education (Professional courses); Free education for top 5 scorers pursuing agricultural degrees; Free education for students pursuing post-graduation in arts, science, and technical education; INR 10,000/- for bachelors in Arts and INR 20,000/- for all students pursuing Bachelors in Engineering/Technical education except the top 50 students.
- One free cooking gas connection and stove per family and subsidy of INR 400/- per cylinder for maximum 5 cylinders every year.
- INR 10 crores allocated in financial year 2021-22 to improve electricity, toilet

facilities, and drinking water facilities in all rehabilitation camps across Tamil Nadu.

- Free electricity .
- Driving license for qualified individuals.
- Under the Chief Minister's Girl Child Protection Scheme, an amount of INR 50,000/- is endowed in the name of female children born on or after 01.08.2011, in the form of a fixed deposit with the Tamil Nadu Power Finance and Infrastructure Development Corporation Limited, for a family with one girl child and an amount of INR 25,000/- each for families with 2 girl children. Additionally, INR 1,800 is provided yearly as educational benefit for beneficiaries aged between 5 to 20. The Children can avail the maturity benefit after completing their Class 10 education.
- INR 1,000/- for all persons aged above 60 (OAP); widows who have not remarried between 18-59 (DWP) and women deserted by spouse aged between 30 and 59 (DDWP); women aged between 50-59 years (UWP) who have never been married and are unable to work is granted as social security. Additionally, women who are disabled more than 40% can avail the Differently Abled Pension Scheme.
- Under the Chief Minister's Special Relief fund for Sri Lankan Tamils INR 50,000/- for death due to natural calamities, accidents and rape; INR 15,000/- for major surgery; and INR 1,000/- for goods damaged due to fire and flood.

## C. Economic Assistance Schemes

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- Monthly cash doles of INR 1,500/- for Head of family; INR 1,000/- for persons of age 12 and above; and INR 500/- for below 12 years are disbursed every month to their individual bank accounts.
- Revolving fund of INR 10,000/- is granted to SHGs operational in camps. Incentives, trainings, and bank loans for well-performing SHGs, including Community Investment Fund of INR 1,25,000/- for each qualifying SHG are also provided.
- Free tailoring machines are granted to women who underwent training and obtained certification at Government accredited Tailoring Institutes.
- Skill development training along with employment opportunities are provided for 5,000 Sri Lankan Tamil youth to improve their livelihood.

## D. Health schemes

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- Medical Insurance providing coverage of 1 lakh rupees to each family per year for treatments and coverage of INR 1.5 lakh for 77 specified treatments is provided. Additionally, medicines are provided for 113 specified treatments in Government Hospitals in Tamil Nadu.

## E. Other schemes

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- Based on the proposal submitted by the Government of Tamil Nadu, the Union Government conveyed its approval to waive the Visa Fee and Overstay Penalty in respect of Sri Lankan Tamils who opt for voluntary repatriation to Sri Lanka on a case to case basis.

# 5

## JUDICIAL DEVELOPMENTS

### 5.1

In recent years, there have been significant judicial pronouncements by the constitutional courts of the country with respect of statelessness, pathways to citizenship and so on. A synopsis of the key judicial developments is given below:

#### **(i) Committee for C.R. of C.A.P and Ors v State of Arunachal Pradesh and Ors, AIR 2015 SC 3750<sup>xii</sup>**

The Supreme Court of India, on hearing the issue concerning Chakma refugees, held that the Chakma's have a right to be granted citizenship based on the Joint Statement issued by the Prime Ministers of Indian and Bangladesh in February 1972 where the Government of India undertook to grant citizenship to the Chakmas under Section 5 (1) (a) of the Citizenship Act, 1955.

#### **(ii) P. Ulaganathan and Ors. vs. The Government of India and Ors, AIR 2019 Mad 246<sup>xiii</sup>**

The Madurai Bench of the Madras High Court for the first time made the distinction between Sri Lankan Tamils and Indian Origin Tamils, categorizing the latter as "*genealogically rooted to this soil*". The Court also observed that, "*A person who is running for his life cannot obviously be expected to wait for a visa.*" Further, the Court held that keeping them under surveillance and severely restricted conditions in a state of statelessness for a long period offends their right to life and dignity under Article 21 of the Constitution.

**(iii) Nalini v The Regional Passport Officer, W.P. (MD) No. 3512 of 2022<sup>xiv</sup>**

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Any person born before 01.07.1987 is a citizen of India under Section 3(1)(a) of the Citizenship Act, 1955 and such persons need not apply for Indian Citizenship.

**(iv) Harina v The Regional Passport Officer & Ors, W.P. (MD) No. 27893 of 2023<sup>xv</sup>**

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A person who is not an Indian Citizen can apply for a Travel Document under Section 20 of the Passports Act, 1967 for overseas travel.

**(v) Neyatitus v The Regional Passport Officer, W.P. (MD) No. 2421 of 2023<sup>xvi</sup>**

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A person who falls under Section 3(1)(b) of the Citizenship Act, 1955 is a citizen of India, by birth. The Madurai Bench of the Madras High Court while directing the Regional Passport Officer to consider the passport application of the petitioner on the above ground observed that the notion of assigning citizenship is still patriarchal, that the Petitioner's citizenship was only put to question because his father was a Sri Lankan Refugee despite his mother being an Indian Citizen.

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## Born in Sri Lankan Tamil refugee camp, Nalini becomes first to get Indian citizenship

*Speaking to TNM, Nalini said she was extremely happy. "This will give confidence to many people like me who want to live better lives and want a better future for their children."*



Image 6 | Rajkumar, Akchayaa. "Born in Sri Lankan Tamil refugee camp, Nalini becomes first to get Indian citizenship" ([www.thenewsminute.com](http://www.thenewsminute.com), Chennai, 03/08/2022).

## DEMOGRAPHIC ASSESSMENT OF SRI LANKAN REFUGEES

as of 31st July 2023

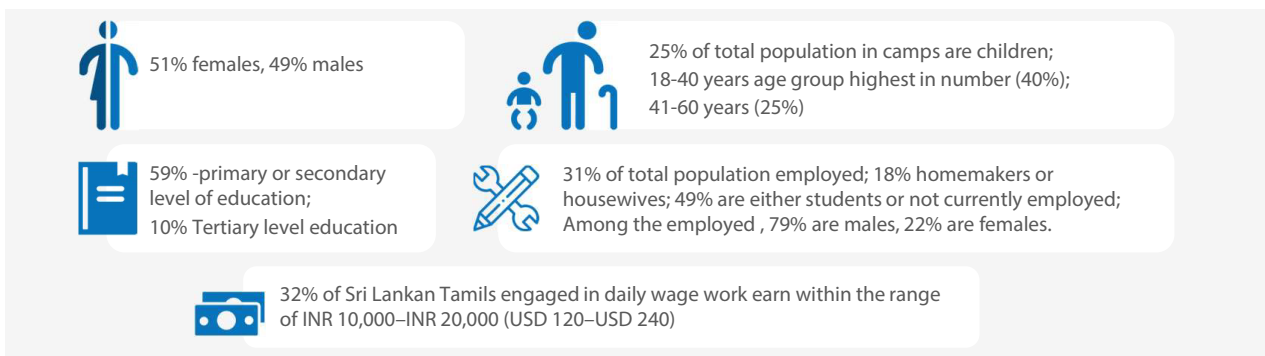


The Government of Tamil Nadu through the Commissionerate of Rehabilitation and Welfare of Non-resident Tamils collected data of refugees residing in camps and requested UNHCR's support to analyze the data. Data analysis was aimed at providing strategic pointers in recommending local solutions and introducing e-services for refugees residing in camps. In this process, UNHCR-DIMA structured the methodology for digitizing and analyzing. The highlights of the important findings are presented in this snapshot.

### POPULATION COVERED



### SOCIO-ECONOMIC



### OTHER INFORMATION



### CATEGORIES IDENTIFIED FOR LOCAL SOLUTIONS

To facilitate local solutions/Indian citizenship, Sri Lankan refugees are categorized based on diverse considerations: country of birth, marriage to Indian nationals, status as Indian-Origin Tamils and others. The table lists the number of individuals who may qualify under existing legal and administrative provisions.

Categories for Sri Lankan Tamils in camps	Number of Individuals	Family Members may qualify (Secondary)
Children born to parents of Sri Lankan nationality or mixed parentage prior to 1 <sup>st</sup> July 1987	148	342
Children born to one Indian and one Sri Lankan parent before 3 <sup>rd</sup> December 2004	566	1,319
Children born in India after 3 <sup>rd</sup> December 2004 to one Indian parent	35	78
Sri Lankan Tamils who are of Indian Origin	5,130	4,603
Sri Lankan refugees married to Indian nationals	2,515	3,466
<b>Total number of individuals with high prospects for local solutions</b>	<b>8,394</b>	<b>9,808</b>
Sri Lankan refugees who do not fall under any of the above categories	39,189	N/A

# 6

## DEMOGRAPHIC ASSESSMENT

### 6.1

The Advisory Committee, thus, resolved in its meeting dated 11.07.2022 to undertake a demographic assessment, under the aegis of Commissionerate for Rehabilitation. The Demographic Assessment of Sri Lankan Refugees<sup>xvii</sup>, completed on 30th June 2023, compiled demographic statistics and information of nearly 57,391 refugees from the camps in Tamil Nadu. The provisional findings are tabulated below.

CATEGORIES OF SRI LANKAN TAMILS FOR PURSING LOCAL SOLUTIONS	NUMBER OF INDIVIDUALS
Children born in India to parents of Sri Lankan nationality or mixed parentage prior to 1st July 1987	148
Children born in India to one Indian and one Sri Lankan parent before 03rd December 2004	566
Children born in India after 3rd December 2004 to one Indian parent	35
Indian origin Tamils	5130*
Sri Lankan Tamils married to Indian nationals	2515

### SRI LANKAN TAMILS WHO FALL IN NONE OF THE ABOVE CATEGORY

1. Sri Lankan Tamils who came from Sri Lanka	26091*
2. Sri Lankan Tamils born after 1987 to both Sri Lankan Parent in India	22058
3. Sri Lankan Tamils born after 1987 (Birth place not mentioned)	848

\* The number of Indian Origin Tamils and Sri Lankan Tamils presented herein are numbers preliminarily identified based on the documents submitted by persons residing in rehabilitation camps. Thus, the number presented is not exhaustive and subject to change in data.



Image 7 | A Sri Lankan Tamil Woman from a Rehabilitation Camp in Tamil Nadu

# 7

## OPPORTUNITIES MAPPED FOR INDIAN CITIZENSHIP WITHIN EXISTING FRAMEWORK

### 7.1

The Advisory Committee, in its meeting dated 11.07.2022, arrived at the conclusion that there is a need to approach citizenship not as a whole for all Sri Lankan Tamils but in a customized manner, based on the existing legal distinctions and consequently, develop bespoke strategies for citizenship pathways.

### 7.2

Hence, efforts were initiated by the Advisory committee to conduct legal analysis to map existing legal provisions for local solutions in consultation with stakeholders including the people residing in camps. This has, enabled the realization of various categories of Sri Lankan Tamils who have varied pathways to attain local solutions primarily based on diverse considerations like country of birth, marriage to Indian nationals, status as Indian Origin Tamils amongst others. Different categories of refugees identified for the purpose of pursuing durable solutions are:

- **Children born in India to parents of Sri Lankan nationality or mixed parentage prior to 1st July 1987**
- **Children born in India to one Indian and one Sri Lankan parent before 03rd December 2004**
- **Children born in India after 3rd December 2004 to one Indian parent and other parent not being illegal migrant**
- **Indian origin Tamils (Hill Country Tamils) or descendants of such persons with passports as Indian Citizens issued by Indian missions under the Indo – Sri Lanka Bilateral Agreements**
- **Descendants of Indian origin Tamils (Hill Country Tamils) who do not have documents issued by Indian missions but having other documents issued**

by the Sri Lankan government referring them as Indian Tamils.

- Sri Lankan Tamils married to Indian nationals
- Sri Lankan Tamils who fall in none of the above category

The key recommended approaches for pursuing solutions to these categories of persons are listed below:

**a) For Sri Lankan Tamils born in India who are eligible under existing legal frame work**

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### 7.3

On analysis of the Citizenship Act, 1955, and the judgments of the Madras High Court the Advisory Committee has been able to identify two sub-categories of Sri Lankan Tamils who will be able to acquire Indian Citizenship.

### 7.4

Pursuant to the Order passed by the Madurai Bench of Madras High Court in *Nalini v The Regional Passport Officer, W.P. (MD) No. 3512 of 2022*, a total of One hundred and forty-eight [148] Sri Lankan Tamils have been identified by the Advisory Committee as those who qualify for Indian citizenship under Section 3(1)(a) of the Citizenship Act, 1955.

### 7.5

566 individuals were born to one Indian and one Sri Lankan parent between July 1, 1987 and December 3, 2004. According to Section 3(1)(b) of the Indian Citizenship Act and as confirmed by the Order in *Neyatitus v The Regional Passport Officer, W.P. (MD) No. 2421 of 2023*, citizenship is to be conferred on any child born between July 1, 1987, and December 3, 2004, if one parent is an Indian citizen irrespective of the nationality status of the other parent.

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*“5. Section 3 (1) (a) of the Act states that every person born in India on or after 25.01.1950 and before first day of July 1987 shall be a citizen of India by birth. Schedule I is appended to the said Act. Rules have also been subsequently framed. The various forms providing for application for registration as citizen by birth does not have to apply to the authority for recognition or declaration. As per Section 13 of the Act, in cases of doubt, the Central Government may certify that the person concerned is an Indian Citizen. 6. ...Since the Petitioner is an Indian citizen by birth, she need not apply for citizenship.”*

*- The Madurai Bench of the Madras High Court on Sri Lankan Tamil Refugees in Nalini v The Regional Passport Officer, W.P. (MD) No. 3512 of 2022*

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*“7. Section 3(1)(b) of the Citizenship Act, 1955 states that every person born in India on or after first day of July 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth shall be a citizen of India by birth. The Amendment Act came into force on 03.12.2004. The petitioner has been lucky in two ways. His mother is an Indian Citizen. He was born before the cut – off date. Both the statutory requirements stand fulfilled in this case.”*

*- The Madurai Bench of the Madras High Court on Sri Lankan Tamil Refugees in Neyatitus v The Regional Passport Officer, Madurai, W.P. (MD) No. 2421 of 2023.*

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## **b) For Indian Origin Tamils**

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### **7.6**

For those Indian Origin Tamils, their nationality should not be allowed to be in limbo despite the pacts signed between the Government of India and the Government of Sri Lanka to end statelessness, only because some of these individuals came to India after 1983, fleeing conflict and social vulnerability in Sri Lanka.

## 7.7

From the demographic assessment carried out by the Commissionerate of Rehabilitation, it has been found that Indian Origin Tamils stand on a separate footing by virtue of holding documents that can establish their nationality i.e., Birth Certificate, Birth Certificate of their parents, Marriage Certificate, Indian Passports and so on. At present, out of the entire population for whom the Demographic Assessment was conducted, 5,130 persons have been identified as Indian Origin Tamils based on their submissions. This number may increase on further assessment. These persons are eligible for Indian Citizenship under Section 5 of the Citizenship Act, 1955 as they come under the purview of the bilateral agreements between the Governments of India and Sri Lanka.

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*“13. But then, the petitioners can invoke Article 21 of the Constitution of India. It applies to all persons, citizens, and non-citizens alike. It would apply to refugees and asylum seekers. And most certainly to the petitioners who are genealogically rooted to this soil and who speak our language and belong to our culture. 14. ....Keeping them under surveillance and severely restricted conditions and in a state of statelessness for such a long period certainly offends their right under Article 21 of the Constitution of India.”*

*-The Madurai Bench of the Madras High Court on Indian Origin Tamils in P. Ulaganathan and Ors. Vs. The Government of India and Ors., AIR 2019 Mad 246.*

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### c) Sri Lankan Tamils married to Indian Nationals

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## 7.8

Sri Lankan Tamils due to their ethnocultural similarities with the Indian Tamil population, have developed social ties, especially through marriages with Indian nationals. Government of India should consider granting Indian citizenship on grounds such as marriage to an Indian under the provisions of the Citizenship Act, 1955. As per the 159th Parliamentary Standing Committee Report on Home Affairs (Citizenship), providing

citizenship to Sri Lankan nationals who are married to Indian nationals is legally possible under Section 5(1)(c) of the Citizenship Act, 1955. As per the latest available data, it is observed that 2515 individuals are married to Indian nationals; among them, 1281 have registered their marriage and possess marriage certificates, whereas 1234 do not possess marriage certificates.

#### **d) Sri Lankan Tamils who fall in none of the above category**

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### **7.9**

The data collection also elicited the finding that 135 individuals were born in India to one parent being an Indian after December 2004. Citizenship by birth does not apply to children born in India after December 3, 2004, when one parent is a refugee.

### **7.10**

In the case of children born in India after December 3, 2004 to one parent being Indian, it is recommended that they be allowed to submit a citizenship application, and the parents' immigration status at the time of their birth is not to be considered a legal impediment. In addition, the Government may consider enabling solutions for these children under Section 5 (1)(d) of the Citizenship Act, i.e., minor children of persons who are citizens of India, and 5 (1)(e), i.e., a person whose parents are registered as citizens of India.

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# 8

## RECOMMENDATIONS TO THE GOVERNMENT

The Advisory Committee, in light of the various issues discussed herein above in this Interim Report, makes the following recommendations to the Government of Tamil Nadu.

### A. On Citizenship pathways

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#### 8.1 Issuance of documents acknowledging Indian Citizenship

The Government of Tamil Nadu may compile a list of Sri Lankan Tamils who qualify for Indian citizenship based on the various judgements of the Supreme Court of India and High Court of Madras and have expressed their willingness to remain citizens of India. The Government of Tamil Nadu may consider providing such eligible persons Tamils with all the schemes and entitlements that a Citizen of India is entitled under the Union Government.

#### 8.2 Revalidation or renewal of passports

As Indian Origin Tamils possess the documents issued by the High Commission/Consulate General of India in Sri Lanka, it is recommended that the Government of Tamil Nadu appeal to the Government of India to consider and issue renewed /revalidated Indian passports to them on the basis of the bilateral pacts notwithstanding the 1986 Letter issued by the Ministry of Home Affairs (MHA).

#### 8.3 Cancellation of 1986 MHA Letter/ Circular

The letter issued in 1986 by the Ministry of Home Affairs which bars Sri Lankan nationals from applying for citizenship, is recommended to be administratively cancelled or rescinded. It is also to be noted here the issues of citizenship for Indian Origin Tamils and Sri Lankan Tamils have been raised multiple times in the Parliament on various dates by the Vice Chairperson of the Advisory Committee namely on 22.07.2022<sup>xviii</sup>, 21.12.2022<sup>xix</sup>, and 25.03.2023<sup>xx</sup>. The Vice Chairperson of the Committee has also sought clarifications about the 1986 letter through his representations dated 15.03.2023<sup>xxi</sup> and 23.05.2023<sup>xxii</sup> to the Ministry of Home Affairs, Government of India.

## 8.4 Review of the Classification under the Citizenship Act, 1955

Sri Lankan Tamils who have sought refuge in Tamil Nadu, India from 1983 onwards, have been brought under 'illegal migrants' as per the Citizenship Act, 1955 and this needs to be reviewed and revoked as admission of the Sri Lankan Tamils has been carried out with the concurrence of the Ministry of Home Affairs, India.

In a second circular issued by the Ministry of Home Affairs in November, 1986, Lr.No.11 (4)/8-Desk I(SL) from MHA, Department of Internal Security (Rehabilitation Division)

on 4.11.1986,<sup>xxiii</sup> the Government of India allowed the admission of Sri Lankan Tamils coming to India, in destitute conditions on short term visas, into the Rehabilitation Camps in Tamil Nadu. Thus, when the Government of India was directly involved in the admission of Sri Lankan Tamils, their present classification as 'illegal migrants' under Section 2 (1) (b) of the Citizenship Act, 1955 is to be reviewed. The Government of Tamil Nadu may recommend the same to the Government of India.

## 8.5 Filing interlocutory application

The Government of Tamil Nadu may advocate for Indian Origin Tamils, based on the strength of the bilateral agreements through representation to Ministry of Home Affairs, Government of India and by making suitable submissions and filing applications in ongoing cases such as, *The Government*

*of India v R. Ulaganathan, W.A. (MD) No. 1507 of 2021*, pending before the Madurai Bench of the Madras High Court and in *Indian Union Muslim League v Union of India, WP (C) No. 1470 of 2019* before the Constitution Bench of the Supreme Court of India dealing with the cases linked to Citizenship (Amendment) Act 2019.

## 8.6 Expeditious processing of citizenship application

Also, there are individuals who were born in India after December 2004, where one of their parents is an Indian citizen. Citizenship by birth does not apply to them. Hence, it is recommended that they be allowed to submit a citizenship application, and the parents' immigration status at the time of his or her birth is not to be considered a legal impediment. In addition, the Government may consider enabling solutions for these children

under Section 5 (4) of the Citizenship Act, i.e., special circumstances justifying registration, and Section 5 (1) (e) of the Citizenship Act, i.e., a person whose parents are registered as citizens of India. The Government of Tamil Nadu may also request the Ministry of Home Affairs, Government of India for expeditious disposal of the citizenship applications or in a time-bound manner, or preferably within 3 months.

Copy of Lr.No.11(4)/86-Desk I<sup>r</sup> (SL), Government of India Ministry of Home Affairs, Department of Internal Security (Rehabilitation Division), New Delhi-11 Dated 4.11.1986

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Sub: SRI LANKAN REFUGEES-Permission to admit sri lankan Refugees Who have come to India on short term Visas in the refugee camps in Tamil Nadu – Regarding.

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I am directed to refer to various letter received from the state Government and this Department's letter of even number dated 25<sup>th</sup> septemebr, 1986, on the subject mentioned above and to convey the approval of the Government of India to the admission of such destitute Sri Lankan refugees in the refugee camps in Tamil Nadu who have come to india on short term tourist visas. However it is requested that due care should be taken while considering case of such Sri Lankan refugees, the basic criteria for which should be that the refugees concerned should be in a destitute condition. Necessary instructions in this regard may please issued to all concerned.

Sd/-xxxxxxx

//True copy//

superintendent.

### 8.7 Alternatives to Passports/Issuance of Registration or Identify certificates

One of the main issues affecting mobility of Sri Lankan Tamils is that they have been held to be in violation of the Passports Act 1967, Passport Rules, 1980 and the Foreigners Act, 1946. As such, they are not able to access foreign employment and seek livelihood opportunities locally. Therefore, it is recommended that

regularization of their stay can be sought from the Union of India within the existing frameworks available under the Passports Act, 1967, Passport Rules, 1980, the Passport (Entry Into India) Act, 1920, and the Passport (Entry into India) Rules, 1950, as tabulated below

S.NO	TRAVEL DOCUMENT	APPLICABILITY	BENEFITS
1.	X – 1 Visa <sup>xxiv</sup>	Indian-origin Tamils who do not possess OCI Card	The Visa is granted for a period of five years at a time with a multiple entry facility.
2.	X – 2 Visa <sup>xxv</sup>	Spouses and children of Indian-origin Tamils who do not Possess OCI	The Visa is granted for a period of five years at a time with a Multiple entry facility
3.	Long Term Visas <sup>xxvi</sup>	Sri Lankan Tamils	The Visa is granted for a period of one year renewable for five years.
4.	OCI Card	Indian-origin Tamils and their spouses who are not Indian Citizens.	Multi-entry, multi-purpose lifelong visa and treated in parity with other non-resident Indian OCI card holders.
5.	Certificate of Identity / Yellow Book <sup>xxvii</sup>	Indian-origin Tamils, who were not included in the pact.	International travel

Table 2. Alternatives to Passports

1	2
	<p>(c) [wife or official hostess or husband, as the case may be, dependent son, dependent unmarried, separated, divorced or widowed daughter, dependent parents of an officer referred to in (a) and (b) above when travelling with or joining such officer at his post abroad, on condition of dependent status being recognised by the Ministry.]</p> <p><b>Note.</b>—Any member of the family referred to in (c) above of an officer who is actually holding a diplomatic assignment abroad may also be issued a diplomatic passport for staying in a country other than the country of accreditation of the officer for study or other purposes approved by the Central Government; a diplomatic pass-port issued in such a case shall, however, be surrendered when the diplomatic assignment of the officer is terminated or when the officer is posted back to the headquarters.</p> <p>(ii) (a) A person having or having been granted a diplomatic status either because of the nature of his foreign mission or because of the position he holds, as may be determined by the Central Government.</p> <p>(b) Wife or husband, as the case may be, of a person referred to in (a) above when accompanying the said person.</p>

PART II  
TRAVEL DOCUMENTS

Classes of Travel Documents	Classes of persons to whom issuable
1	2
1. Emergency Certificate	<p>(i) Citizens of India abroad who have been refused passport, or whose passports have been impounded or revoked, or who have to be repatriated to India.</p> <p>(ii) Persons who have produced <i>prima facie</i> evidence of Indian citizenship but the evidence is considered insufficient to justify the issue of a passport without further verification.</p>

1. Subs. by G.S.R. 477(E), dated 16th June, 1993 (w.e.f. 24-6-1993).

1	2
	(iii) Citizens of India abroad whose passports have been lost, stolen or damaged, and to whom new passports cannot be issued without verification of their passport particulars by reference to the offices of Issue.
	(iv) Persons of Indian origin abroad when allowed to come to India for settling down here.
2. Certificate of Identity	(i) Stateless persons residing in India, foreigners, whose country is not represented in India, or whose national status is in doubt. (ii) Persons exempted under section 22 from the operation of the provisions of clause (a) of sub-section (2) of section 6.
<sup>1</sup> [3. Passport for Haj pilgrims	(i) Persons holding Haj allotment number for the relevant year from the Haj Committee: Provided that name and allotment number match with the list given by the Haj Committee to the Passport Office.]

**SCHEDULE III**  
(See rules 5, 6 and 11)  
**PART I**  
(See rule 5)

Regional Code & Number.....

Price: Rs. 5 (India)  
Rs. 10 (Outside India)

GOVERNMENT OF INDIA  
REGIONAL PASSPORT OFFICE

**ACKNOWLEDGEMENT\*\***

Received your application form along with.....fee and other documents mentioned below. Your reference is No.\*.....dated..... Please bring this card or quote this reference for enquiries, which should be made only after 40 days.

Signature  
for Regional Passport Office

Details of documents received:

1. Postal Orders/Bank Drafts/Special Passport Stamp  
Amount                      Number                      Date

2. No. of photographs ( )

3. Old Passport, if issued.

\* For official use.

\*\* Only for applications received by post or through TAs.

1. Ins. by G.S.R. 390(E), dated 4th June, 2009 (w.e.f. 5-6-2009).

It is noted that the Ministry of External Affairs, Government of India, at present issues Certificate of Identity to Tibetan Refugees on recommendation by the Bureau of His Holiness the Dalai Lama. Similar legal arrangement can be made for Sri Lankan Tamils.

In lieu of the above, four possibilities may be put forth by the Government of Tamil Nadu to the Government of India, in cases of Sri Lankan Tamils married to Indian nationals - first, issuance of 'X' visa as a transitional measure or issuance of Registration/Identify documents such as those given to Tibetan refugees by the Government of India; secondly, issuance of OCI for spouses of an Indian National,

if the person has a Sri Lankan Passport; thirdly, Issuance of stay / LTV to Sri Lankan Tamils so that he/she becomes eligible to apply for citizenship; and fourthly, exempt such applicants from producing valid visa in the citizenship application process. Granting Long Term Visas to Sri Lankan Tamils who do not fall under any of the other category would also improve access to services, particularly livelihood and higher education. Administrative framework already exists within immigration / foreign registration systems to access Long-Term Visas in India but the current online visa system would have to be modified to accommodate this.

## 8.8 Delegation of powers to District Collectors

As per Section 16 of the Citizenship Act, the delegation of powers for registration as a citizen of India under section 5 or for grant of certificate of naturalisation under section 6 of the Citizenship Act, 1955 is in line with the Orders issued under this Section to the various District Collectors of the State. Such delegation of power has been extended to some of the district collectors in Gujrat, Chhattisgarh, Punjab, Rajasthan, Haryana by the Government of India.<sup>xxviii</sup> It is, therefore, recommended that the Government of

Tamil Nadu may seek delegation of power under Section 16 of Citizenship Act in dealing with the citizenship applications of Sri Lankan Tamils. The Government of Tamil Nadu may set up nodal units, under the Jurisdictional Refugee Tahsildars and supervised by the Commissionerate of Rehabilitation, to assist Sri Lankan Tamils including Indian Origin Tamils wishing to apply for citizenship with their citizenship applications.

## 8.9 Local Integration Package

It has been noted by the Advisory Committee that there is substantial trepidation with the changes that will arise from the acquisition of Indian Citizenship amidst Sri Lankan Tamils. It is also evident that Sri Lankan Tamils are dependent on the welfare measures granted by the Government of Tamil Nadu. There is a realistic concern that any change in their current legal position will mean that they stand to lose the access to welfare measures. The Government of Tamil Nadu may announce necessary financial assistance packages to assist (post-citizenship) local integration. It is

recommended that developing a Local Integration/ Rehabilitation package is essential to address the legitimate needs of Sri Lankan Tamils who choose local solutions. So that they would be in a position to quickly integrate and lead a self-reliant and dignified life as citizens of India. The proposed package could comprise affordable housing, benefits of the Public Distribution System, inclusion in employment / income generation facilitation programs, financial assistance schemes, cash assistance and access to credit facilities from banks.

## 8.10 Awareness sessions with Communities

Engaging camp communities towards durable solutions is essential, hence it is recommended to organise awareness sessions at all the camps about the legal provisions and process on local solutions options/pathways to citizenship, Voluntary repatriation and about late birth / marriage registration. The Government may consider supporting financially, the travel, logistics cost for conducting awareness raising programmes about the legal provisions with Sri Lankan Tamil communities and local authorities on process for late birth registration

and other civil documents. It is also recommended that, to build capacity of the community, para legal volunteer system be adopted through which Sri Lankan Tamils in the camps could be trained as para legal volunteers for community dissemination on varied issues like citizenship application process, late birth registration, child and women protection, civil documentations, vehicle registration, property registration, voluntary repatriation and other legal solutions. In this, the engagement of State Legal Services Authority is suggested.<sup>xxix</sup>



Image 8 | Sri Lankan Tamil repatriates

## B. On Supporting Voluntary Repatriation

### 8.11 Enhancing the repatriation package

More detailed information dissemination sessions at the camp level on the situation and conditions in the area of return is recommended. These sessions would help the person make an informed decision about their return as well as provide a guarantee of support back in Sri Lanka to lead a safe and dignified life upon their return.

An enhanced package for returnees, including cash assistance of INR 1,00,000/- per person, could be paid by the Government of India and the Government of Tamil Nadu may consider additional cash assistance for the returnees. The Government of Sri Lanka could be asked to provide livelihood assistance, support of

logistics to carry goods to their personal effect, and assistance in acquiring necessary documents for reintegration, and land in Sri Lanka etc. A more detailed recommendation on Repatriation package must be formulated in consultation with the Government of India.

Also, it is recommended that the Government of Sri Lanka provide all country passports to Sri Lankan Tamils, against the current practise of providing only return passports to Sri Lanka, to enable Sri Lankan Tamils to travel overseas for any of their personal purposes, such as family reunification, education, and employment.

## **C. On Economic Development and Welfare of Sri Lankan Tamils**

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### **8.12 Enrolment in professional bodies**

The Government of Tamil Nadu may request for the necessary policy change with the concerned Union Ministry and professional bodies such as National Medical Council, Bar Council of India, Institute of Chartered Accountants of India etc., for Sri Lankan Tamils to embark on their professional careers.

### **8.13 Facilitating acquisition of properties**

The Government of Tamil Nadu may initiate dialogue with the Reserve Bank of India on reconsidering the bar in Regulation 7 in Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2000 with respect to facilitating Sri Lankan Tamils to lease long term or buy immovable properties.

### **8.14 Facilitating Vehicle registration**

The Government of Tamil Nadu may undertake the necessary legal and executive action in consensus with Ministry of Road Transport & Highways, Government of India to allow for the acquisition and registration of vehicles for Sri Lankan Tamils.

### 8.15 Skill Development and Livelihood

It is submitted that the Government of Tamil Nadu may consider an extensive skill training initiative for Sri Lankan Tamils which can be customized according to their educational level. Other recommendations suggested in the, 'Skill Assessment Report in Sri Lankan Rehabilitation Camps, October 2022 (UNHCR) can also be implemented.

The Government of Tamil Nadu may include Sri Lankan Tamils in existing Government Schemes and livelihood programs provided by Social Welfare & Women Empowerment Department and Rural Development and Panchayat Raj Departments.



Image 9 | Women led Self Help Groups amongst the Sri Lankan Tamil Community.

### 8.16 Addressing issues concerning Mental Health

It is very much necessary to formulate schemes in association with the Commissionerate of Rehabilitation and Health and Family Welfare Department, Tamil Nadu to set up periodic mental health camps to address mental health concerns and issues. Mental Health Camps in the various rehabilitation camps across the State especially interventions on suicide prevention and alcohol/ substance dependency are to be implemented.

### 8.17 Ease of procedures in the camps through e-services

It is recommended that the state government introduce e-services (digital services) for Sri Lankan Tamils to access various schemes implemented by the Government of Tamil Nadu including dealing with issuance of out passes, permissions for being away from camps and others. As this would effectively help the management of camps as well as ensure that the services are received by Sri Lankan Tamils efficiently.

### 8.18 Periodical sports and cultural meets

The Government of Tamil Nadu may conduct periodic Inter – District and State Level Sports and Cultural Meets for Sri Lankan Tamils and also by including them in the existing state level sports / cultural meets. This can be done through setting up Inter – District and State Level Sports and Cultural meets under the patronage of the Department of Youth Welfare and Sports Development.



**Image 10 | Sri Lankan Tamil youth from Thiruvathavoor camp competing at a Futsal event organised in Chennai in December 2021.**

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**INTERIM REPORT OF THE ADVISORY COMMITTEE ON WELFARE  
AND DURABLE SOLUTIONS FOR SRI LANKAN TAMILS**

On Long Term Solutions, Self-Reliance & Livelihood Development  
Of Sri Lankan Tamils